

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 18 November 2009 has been entered.

### ***Acknowledgements***

2. This action is in reply to the amendments to the claims and remarks filed on 18 November 2009 ("09 Nov Response"), and is also in reply to the supplemental amendments to the claims and remarks filed on 03 February 2010 ("2010 Feb Response").

3. Claims 15-21 are currently pending and have been examined.

4. Claim 15 has been amended by Examiner's Amendment below.

5. Claims 15-21 are allowed.

6. This Office Action is given Paper No. 20100330. This Paper No. is for reference purposes only.

### ***Specification***

7. The substitute specification filed 29 February 2008 has been entered.

***Information Disclosure Statement***

8. The Information Disclosure Statement filed on 24 February 2010 has been considered.

An initialed copy of the Form 1449 is enclosed herewith.

***Examiner's Amendment***

9. The Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

10. Authorization for this Examiner's amendment was given in a telephone interview with Andrew Dunlap on 30 March 2010.

Claim 15

A system comprising:

an optical disc having a disc region code assigned thereto and having content and a content identifier identifying the content recorded thereon; and

a playback apparatus for playing back the optical disc,

wherein the playback apparatus comprises:

a memory storing predetermined additional data corresponding to the optical disc,

wherein the predetermined additional data includes a substitute playback order of the content recorded on the optical disc and a substitute content, such that a predetermined part of the

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content recorded on the optical disc is capable of being replaced by the substitute content, and wherein the memory is distinct from the optical disc; and

a processor programmed to:

judge whether the disc region code assigned to the optical disc matches an apparatus region code assigned to the playback apparatus; ~~and programmed to~~

read the content identifier of the content recorded on the optical disc;

judge whether a combination of the content identifier and the apparatus region code satisfies a predetermined condition defined by an owner of rights of the content, if the processor judges that the disc region code does not match the apparatus region code; and

create a predetermined package based on the substitute play back order of the content by replacing the predetermined part of the content with the substitute content, if the processor judges that the combination of the content identifier read by the processor and the apparatus region code satisfies the predetermined condition defined by the owner of the rights of the content; and

a playback unit programmed to:

playback the content, if the processor judges that the disc region code matches the apparatus region code;

playback the created predetermined package, if the processor judges that the combination of the content identifier and the apparatus region code satisfies the predetermined condition defined by the owner of the rights of the content; and

prevent playback of the content, if the processor judges that the combination of the content identifier and the apparatus region code does not satisfy the predetermined condition defined by the owner of the rights of the content.

~~a memory storing predetermined additional data corresponding to the optical disc, wherein the predetermined additional data includes a substitute playback order of the content recorded on the optical disc and a substitute content, such that a predetermined part of the content recorded on the optical disc is capable of being replaced by the substitute content, and wherein the memory is distinct from the optical disc; and~~

~~a playback unit programmed to play back the content when the processor judges that the disc region code matches the apparatus region code,~~

~~wherein, the processor is programmed such that, when the processor judges that the disc region code does not match the apparatus region code, the processor judges whether a combination of the content identifier read by the processor and the apparatus region code satisfies a predetermined condition defined by an owner of rights of the content,~~

~~wherein, the processor is programmed such that, when the processor judges that the combination of the content identifier read by the processor and the apparatus region code satisfies the predetermined condition defined by the owner of the rights of the content the processor replaces the predetermined part of the content recorded on the optical disc with the substitute content of the predetermined additional data that is stored in the memory and that corresponds to the optical disc, in order to create a predetermined package, based on the~~

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~~substitute play back order of the predetermined additional data that is stored in the memory and that corresponds to the optical disc,~~

~~wherein, the playback unit is programmed such that, when the processor judges that the combination of the content identifier read by the processor and the apparatus region code satisfies the predetermined condition defined by the owner of the rights of the content, the playback unit plays back the created predetermined package, and~~

~~wherein, the playback unit is programmed such that, when the processor judges that the combination of the content identifier read by the processor and the apparatus region code does not satisfy the predetermined condition defined by the owner of the rights of the content, the playback unit does not play back the content~~

### ***Reasons for Allowance***

11. The following is an Examiner's statement for reasons for allowance.

12. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 Fo3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-53 of the substitute specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings... the inventor's lexicography must prevail..." *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

13. The closest prior art of record is Yamada et al. (U.S. 6,141,483 A) ("Yamada"), Yoshii et al. (U.S. 7,239,417 B2) ("Yoshii"), and Candelore et al. (U.S. 2003/0174837 A1) ("Candelore").

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14. Yamada discloses a content reproduction system that reproduces data recorded on an optical disc using a “reproducing apparatus.” The reproduction of content by the apparatus of Yamada is limited on the basis of regional limitations, distribution order, and time limitations that are recorded on the optical disc.

15. Yoshii discloses a content reproduction system that reproduces content using a “user terminal.” The content of Yoshii is downloaded over the internet from a server to the terminal along with “secondary data.” The content and the secondary data are reproduced *synchronously*.

16. Candelore discloses a content substitution system in which portions of content, each with separate identifiers, are examined to determine if a prescribed substitution criterion has been met. If the criterion is met, a content substitution is carried out (*e.g.*, by substitution of content B for content A). The substitution involves a substitute playback order by remapping of the identifiers.

17. The prior art fails to disclose a processor programmed to judge whether a combination of the content identifier and the apparatus region code satisfies a predetermined condition defined by an owner of rights of the content, if the processor judges that the disc region code does not match the apparatus region code; and create a predetermined package based on the substitute play back order of the content by replacing the predetermined part of the content with the substitute content, if the processor judges that the combination of the content identifier read by the processor and the apparatus region code satisfies the predetermined condition defined by the owner of the rights of the content” as recited by claim 15.

18. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time of the invention was made would *not* have been motivated to include these missing elements in the apparatus of Yamada because the

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prior art lacks motivation for including the ability of a processor within a playback apparatus to create a predetermined package based on the recited combinations of judgments.

19. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

20. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Jacob C. Coppola whose telephone number is 571.270.3922. The Examiner can normally be reached on Monday-Friday, 9:00 a.m. - 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at 571.272.6779.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

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Examiner, Art Unit 3621  
March 31, 2010

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